

THE DESERT PEOPLE

666 dialect group. The people insisted that tribal law and custom should be the
642 basis of the constitution. Some of the provisions based on white concepts, such as fenced districts, met with great opposition, but the constitution was finally ratified in 1936 by more than two to one, in an election in which about a third of those entitled to vote did so.

642 The constitution divided the main Reservation into nine districts, the small reservations at San Xavier and Gila Bend constituted two additional districts. Each of these districts was empowered to elect a council to provide local self-government; each district council in turn was to send two delegates to the tribal council, who should continue in office for two years or until recalled and replaced by the district council. District councils were formed shortly after the constitution was ratified, and the tribal council was set up soon after. It has functioned regularly ever since.

THE TRIBAL COUNCIL

646 The constitution provided that the welfare of the tribe as a whole should be
642 in part the responsibility of the tribal council and that it should carry full responsibility for tribal business enterprises discussed in chapter iii: arts and crafts, the tribal fair and rodeo, loans, and the tribal herd. The tribe through its council has full rights of defining membership, administering tribal law with regard to members of the tribe, levying taxes, and handling its own monies. In all other spheres the superintendent of the Reservation has final authority, but conscientious efforts are made to introduce no program which has not been thoroughly discussed and agreed upon by the council. The majority of matters discussed in council meetings are brought up at the suggestion of the superintendent, but members know that their recommendations, objections, or suggestions will be carefully considered. If they defeat an Agency proposal, it may be brought up for further discussion at a later time, but their approval is essential to the success of any program.

As with any representative body, much of the value of the council's work depends upon the support of the general public. The system set up by the Papago constitution is actually a structure of white concepts of majority rule and representative government superimposed upon the old system of unanimous agreement in village councils. It will take time for the people to learn to manipulate this new political tool.

646 Generally speaking, it is the men from the eastern districts who are active
642 in tribal politics; many of them have learned white concepts of government in
184 boarding school. It is obvious that leadership remains in the hands of a few, though a quorum is always present at council meetings, and all members listen carefully

THE PAPAGO AND OTHER PEOPLES

to the discussions. The people as a whole have taken little part, and there are no sanctions to reinforce the status of delegates from many of the districts. So long as there is a leader who is vitally interested in having his district represented in the tribal council, the district organization remains alive; but, if the leader loses interest or leaves, it falls apart. There is no popular demand for representation in the council. The people do not have regular district meetings, and they delay elections long past the time specified in the constitution. All this is an indication of a political system in its infancy which is not yet an integral part of the life of the people.

Popular interest and organization have lagged particularly in the western districts. In Hickiwan there have been "progressive" men who were interested in tribal organization ever since the days of the Good Government League, but there was always fierce opposition from the conservative element, which rejected white institutions lock, stock, and barrel. The deadlock between the two factions continued for many years, and the bad feeling was augmented by a cattle feud between the leaders of the opposing parties. In the thirties a compromise was reached, whereby the two groups were separated in different villages. Between 1940 and 1943 two of the conservatives served sentences in federal prisons for assault with deadly weapons on Indian police, and three for refusal to comply with the Selective Service Act. With the removal of these men, opposition to Agency proposals and to the tribal council diminished; nevertheless, the Hickiwan delegates to the council who were elected at that time showed little interest in active organization of the district, and its participation in tribal matters was negligible. Gu Vo, the other western district, had no representatives at the council meetings for two years preceding the present study.

Despite all these handicaps, the council has to its credit a number of real achievements. The tribal herd has helped to improve Reservation cattle, and the various other tribal enterprises have been successful. The method of financing these projects—a 3 per cent tax on all livestock sales by private owners—met with strong opposition at first, but the council's resolute stand on the matter indicates that the members are beginning to feel their responsibilities and that they may become a real power on the Reservation. Recent council activity in planning for the adjustment of returned soldiers and post-war economic developments points in the same direction. Much will depend on the quality of leadership: if the council continues constructive and forceful action instead of degenerating into a group of Agency "yes-men," the tribe may unite in backing up the council. Much will depend too on the policy of future superintendents. The Papago are independent, and they do not like to

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- 646 be rushed or pushed into action. If these qualities are respected by government representatives, they are more likely to gain the support and active participation of the council in their common responsibility—the welfare of the Papago.

THE TRIBAL COURT

- 671 Off the reservation Indians are subject to state and local law. On their reservations they are subject to federal law in regard to ten major crimes: murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, larceny, incest, and robbery. All other offenses are dealt with according to the tribal law.⁹

The Papago code of law and order, drawn up by a committee of the tribal council,¹⁰ is in the main a codification of the old laws and customs of the people. However, it includes several white innovations such as the requirement of a marriage license and ceremony and provision for probating estates and appointing guardians.

- 692 On the Papago reservations law is administered by a tribal court and Indian police. The tribal court is presided over by Indian judges whose appointment by the superintendent must be approved by the tribal council. The constitution provides for three judges in all, but at the time of this study there was only one on the main Reservation and one at San Xavier.

- 626 As noted in chapter iv, many difficulties which might come to court are settled within the family without recourse to law, or are taken to the village court. Since the Papago are a law-abiding people, not many cases come up for trial. In one year only 116 were on record, the majority cases of drunkenness. 696
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674 The usual sentence is a number of days in jail. The normal Papago does not like such a sentence, for he does not like to have "people talk," as they do when someone is behind bars. Thus the diffuse sanctions of public opinion are important in maintaining the legal sanctions.

- 693 Indian judges and police are not in a particularly happy position. Several past incumbents criticized for favoring kinsmen or people of their own religious denomination resigned. At the time of this study, one of the judges nominally a Presbyterian apparently was not accused of partiality.

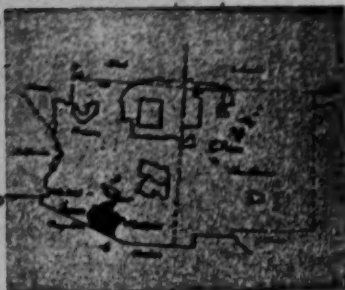
DISTRICT COUNCILS AND COURTS

- 631 According to the tribal constitution, the district is the basic unit of government, with an elected council and a court. Actually, however, as indicated in preceding sections, this white pattern of government has not really taken root 634
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⁹ Or, in the absence of such a code, according to a code of laws for Indians embodied in U.S. Code, Title 25.

¹⁰ Approved 1945.

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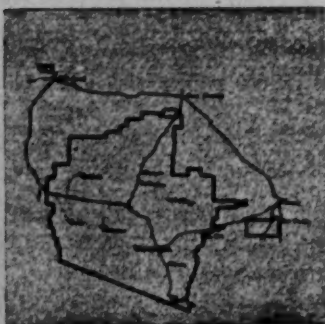


Lands held in trust for Indian tribes by the U. S. government in the Southwest. (Papago reservations in black.)



Papago women playing at the ancient game of taks, which resembles field hockey.

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The Papago, Gila Bend and San Xavier reservations and their highway connections.



Chairman of the Papago Tribal Council (far left of group) joins in ceremonies opening the last section of paved road across the main reservation joining Tucson and Ajo.

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[461] flooding and grasshoppers is won. This subsistence scale, risky enterprise cannot long compete against the surplus-over-subsistence earned in the cotton fields.

The crops Desert People working in the 1950 cotton harvest did plant on the reserves were not even on a subsistence scale. The few beans or squash, the patch of melons they actually planted were no more than a supplement at most.

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423 Clearly an important reason Papagos sell their labor is that a high proportion do not even have flood farms where they could try to farm if they wished to. Probably nearly half the Desert People picking cotton in 1950 had no fields.¹

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[132] For Papagos who cannot farm, there is still a possibility of raising cattle. However, xerophytic desert vegetation is not particularly well suited to fattening cattle--thorns don't make fat. Rainfall on reserve lands is very scanty, and good stands of grass are small and undependable.

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422 Among Papago cotton pickers of 1950, nearly half the families owned cattle.² However, some of them actually had only 1 cow, and the average number of head owned by each family was only a dozen.³

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[493] One difficulty for Papago cattlemen is that horses are kept by most families, taking up range that could support more beef animals. These horses are not especially good stock--no one raises horses for export. But the Desert People are still mainly in the pre-automotive age of transportation. If they don't walk, they generally must ride horseback or in a wagon pulled by horses. Over three-fourths of Papago cotton pickers in 1950 owned horses.⁴ And each of these families kept 6 or 7 horses.⁵ If it were not for an ordinance of the Papago Tribal Council restricting each family to not more than 10 head of horses, horse population of the reserved lands would undoubtedly be much higher.

130 families gave information. 50 had their own fields, or 51%. (Only 2 were in irrigated projects, 5%) Fathers of 3 younger men had flood fields, 8%. 30 41% had no flood fields in their extended family.
519 families of 40 questions owned cattle, 47%.
36 families giving information owned 96 head, averaging 12 per family.
431 families of 40 questioned owned horses, 77%.
521 families giving data owned 136, averaging 6.6 each.